

SENATE BILL REPORT

SB 5459

As Reported by Senate Committee On:
Health & Long-Term Care, February 17, 2011

Title: An act relating to transition services for people with developmental disabilities.

Brief Description: Regarding transition services for people with developmental disabilities.

Sponsors: Senators Kline, Keiser, Regala and McAuliffe.

Brief History:

Committee Activity: Health & Long-Term Care: 1/31/11, 2/17/11 [DPS-WM, DNP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker, Ranking Minority Member; Kline, Murray, Parlette, Pflug and Pridemore.

Minority Report: Do not pass.

Signed by Senator Carrell.

Staff: Rhoda Donkin (786-7465)

Background: The state operates five residential habilitation centers (RHC) established in statute to provide services and housing for persons with developmental disabilities: Rainier School in Buckley, Lakeland Village in Medical Lake, Fircrest School in Shoreline, Frances Haddon Morgan Children's Center in Bremerton, and Yakima Valley School in Selah. Today approximately 900 individuals reside in RHCs, as permanent residents, for short term or respite stays. There are 36 individuals under age 21.

Over the years there have been repeated efforts to reduce the number of people in RHCs as trends for providing services to persons with developmental disabilities have increasingly focused on doing so in community settings. Today, the Department of Social and Health Services (department) provides community-based services through a number of programs to approximately 20,000 clients. These are designed as alternatives to institutions for eligible individuals with developmental disabilities who either live with family members, in rented housing, or in contracted or licensed residential housing in the community. Besides the

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individuals who receive some services either through RHC or in the community, an estimated 14,000 eligible clients do not receive any paid services due to lack of available funding.

Currently the department is implementing plans to close two of the five RHCs: Frances Haddon Morgan, by June 30, 2011, and Yakima Valley School by December 31, 2012. The closure of these facilities is included in the Governor's proposed budget for the 2011-2013 biennium. All of the 50 residents of Frances Haddon Morgan will be relocated to either a community residential placement, such as a state operated living arrangement (SOLA) or to one of three remaining RHCs.

The department plans to set up three new SOLAs, and is currently working with Fircrest, Lakeland, and Rainier to accommodate residents leaving Frances Haddon Morgan who do not want a community placement.

It is planned that the first ten residents leaving Yakima Valley School will do so by the end of 2011. The department is planning to establish crisis stabilization programs for children and adults using, where possible, institutional staff who will no longer be employed at the closed facilities.

Summary of Bill (Recommended Substitute): Within 60 days of admission to an RHC, the department must ensure that each resident's individual habilitation plan includes a plan for discharge to the community. The plan must include a person-centered approach and involve residents, families, guardians, and staff to assess needs and identify services. The discharge plan should offer a placement on the appropriate home and community-based program, continued access to the services that meet the clients needs, transition planning, choice of community options, a range of services including medical and dental care, and transportation.

The department is also directed to restrict SOLAs from rejecting clients, and to use any savings achieved through efficiencies to extend services to people with developmental disabilities currently underserved or without any services at all. The department is directed to consult with certain entities to implement quality assurance for residents who are in transition.

Beginning November 1, 2010, and annually thereafter, the department must submit information to the Legislature on the progress made implementing the requirements of this act, client and guardian satisfaction with services, stability of placement and provider turnover, safety and health outcomes, types of services received by clients transitioned to the community, and continued accessibility of former residents to family.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Substitute): The names of all five RHCs are restored to the statute. All references about closing RHCs are removed. All references related to RHCs only serving persons 21 and older are removed. Any savings achieved through consolidating or closing RHCs will be deposited into the Community Residential Investment Account created in the state treasury. The savings will be used to extend services to people with developmental disabilities receiving limited or no services or to enhance rates paid to community residential service businesses.

Appropriation: None.

Fiscal Note: Requested on January 24, 2011.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on June 30, 2011

Staff Summary of Public Testimony on Original Bill: PRO: Children should not be in institutions where the average age is 45. This bill does not propose ground breaking ideas. Most of what is in it happens today, but the trend continues to be moving people into the community and we need to state explicitly in law the process for doing that. It is important that plans for moving people out of institutions are carefully designed and administered, and that families and guardians are involved.

Segregating children is bad for them. They should not grow up in an institution. There are many, many people in the community who have higher acuity levels than people in institutions. We can build a community system but we can't do it if we keep supporting huge institutions that are not full.

CON: This would eliminate choice and that is against the law. If children are forced to leave institutions, they will be shipped out of state. My daughter has done so much better in an RHC. Her terrible behaviors have been dramatically reduced. There were no services for her in the community. Keep these institutions open as regional centers for the developmentally disabled. There is expertise in RHCs that can't be found anywhere else. If my developmentally disabled son loses his job at Yakima Valley School I don't know what we'll do. We need a better safety net for the most vulnerable people in our communities. This is not the way to achieve that.

Persons Testifying: PRO: Senator Kline, prime sponsor; Scott Livengood, Chad Hogman, Community Residential Services Association; Lance Morehouse, ARC of King County; Sue Elliott, ARC of Washington; Diane Stadden, parent; Ed Holen, Developmental Disabilities Council.

CON: Julianne Moore, Sue Henricksen, Washington Federation of State Employees; Teresa Davis, Lynn French, Toni Penuel, SEIU; Maria Walsh, Terri Anderson, Friends of Firecrest; Cheryl Felar, Because We Care; Saskia Davis, Action DD.